

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT**AUTHORITY:**

Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

PRINCIPAL PURPOSE:

To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

ROUTINE USES:

Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

DISCLOSURE:

Disclosure of your SSN and other information is voluntary.

1. LOCATION <i>Bldg 621 DES</i>	2. DATE (YYYYMMDD) 20230726	3. TIME 1205	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME MITCHELL, ERIK, DAID	6. SSN 573-93-0802	7. GRADE/STATUS DOD CIV; GS15	
8. ORGANIZATION OR ADDRESS USAG WEST POINT			

9. *er* ERIK DAVID MITCHELL, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 2045hrs on 22JUL I receive a phone call from LTC Sanchez, Director of Emergency Services. He stated the MP Desk received a call from Ike Hall that the Commander, COL Anthony Bianchi, was drunk and belligerent. There was concern, that if this report was accurate, the presence of MPs might escalate the situation. I decided to go to Ike Hall. Enroute to Ike Hall, I called COL Bianchi three times (2049, 2050 and 2051hrs) with no response. I received a return call from COL Bianchi at 2052hrs, he acknowledged he missed my call and inquired as to why I was calling. I asked him if he was okay, to which he replied "I'm fine, why?", I replied that a call was made to MP desk indicating you weren't okay. I further stated that I was arriving at Ike Hall just to see how he was doing. He said would meet me downstairs. I then called LTC Sanchez at 2054 to notify him I was Ike Hall and COL Bianchi was on his way down. At approximately 2100hrs I met COL Bianchi at the bottom floor of Ike Hall. He presented cheerful and excited, which was not uncharacteristic, however it was also clear he had consumed alcohol. He asked why I was there again and wanted to know the specifics as to why MPs were called. At this time MPs arrived at Ike Hall, to which COL Bianchi began to ask the MPs why they were there. I interceded, stating they were just doing their job and coaxed back to just engage with me. LTC Sanchez arrived and COL Bianchi proceeded to inquire about the MPs, wanted to know who called the MPs. I am unclear if it was LTC Sanchez or one of the MPs (my focus was on COL Bianchi) responded with "a call was made and we need to take a statement from them." COL Bianchi responded with "Who are 'they'" and repeated that statement several times. At this time I moved physically btwn COL Bianchi and the MPs to ensure the situation did not escalate. COL Bianchi appeared frustrated with the presence of the MPs for what he explained as a minor issue. He wanted to back upstairs to his football alumni reunion. I joined him in the elevator and went upstairs. At this time explained what he understood to be the precipitating event. As I recall: "I was going thru to the food line, the meat cutting station was cutting all the fat off and placing to the side. I was talking with a friend didn't notice until I reached my seat that he had given me all the fat. I went back to the cutting station and said 'Why did you give me shit meat?'. He got lippy with me and said 'I treat all customers the same.' And I said 'Do you even know who I am?'. Then I went back to my table and a server asked if everything was alright and I told her 'yeah, except for the assholes.' Then I went back to my table, that was it - that's the whole thing. This is ridiculous the MPs were called." As I spoke with COL Bianchi, he was approached by several attendees with small talk, thanking him for the event and did not notice any other commotion or lingering disruption that would have indicated something inconsistent with what COL Bianchi related to me. COL Bianchi said he wanted to get back to his teammates that was gathered around a table further in the ballroom. I recognized his USMA roommate 'Tim' who COL Bianchi had introduced me to on Friday. Though it was clear alcohol was consumed, he was with teammates and I had assumed he and his roommate (who was staying with him) had walked to Ike given the close proximity of his residence to Ike Hall. I departed, encouraging COL Bianchi to not engage further, enjoy his friends and we'd handle the complaint on Monday. *e*

10. EXHIBIT**11. INITIALS OF PERSON MAKING STATEMENT**

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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF 3 PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF ERIK DAVID MITCHELL TAKEN AT Bldg 621 DATED 20230726

9. STATEMENT (Continued)

After COL Bianchi left to join his friends, I spoke with LTC Sanchez and it appeared the DCA employee was unwilling to make a statement and 'just wanted to get home.' At this point, the indications were that this was a minor incident btwn a patron and employee. I assessed the room, mood/environment, COL Bianchi's behavior and how those behaved around him and did not see the 'drunk and belligerent' man or aftermath that was indicated to me in the initial call at 2045hrs. I left Ike Hall and return home o/a 2145hrs. Later that night at 0145 on 23JUL, I received a call from LTC Sanchez. I missed the call and called him back at 0149. LTC Sanchez reported that MPs were surrounding COL Bianchi's home, he had rolled thru the Thayer ACP in a GOV at approximately 2030hrs and that MPs lost him at the Ruger Road detour but found the GOV parked at his home and he was refusing to come out of the home. He was concerned about sending the MPs into the home given reports of belligerence earlier in the evening and unclear if weapons were in the home. Again, we decided having a 'known' face may de-escalate a potentially volatile situation. I wasn't sure if CSM Fraser had returned from TDY, but decided to call to apprise her o the situation, seek advice and options. I called CSM Fraser at 0153, she agreed that she and I should be present to assist, she picked me up at my residence in her POV o/a 0203. Enroute I attempted to call COL Bianchi at 0204 with no response. We arrived in the vicinity of COL Bianchi's home a/o 0205 and linked up with LTC Sanchez the PMO, MAJ Beaumont and the MPs patrols. CSM Fraser and I proceeded to the COL Bianchi's residence, arrived at the rear door o/a 0210. We rang the door bell and knocked for approximately 5min. The family dog was barking incessantly, then ceased. Knowing to adults males were in the home, potentially inebriated, this was a concerning sign. We proceeding inside through the unlocked rear door, calling to 'COL Bianchi', and 'Tony' that 'This is CSM Fraser/Erik...are you okay? We're coming in' consistently and we moved around the main floor. As we assessed the area, the pictures on the staircase immediately to the right of the rear door were displaced, one hanger was torn from the wall with the picture dangling and the second was askew. We proceeded up the stairs to the top landing of the door and continued to call out. Once at the top of the landing, we could hear the dog move and then began to bark again; a short while later COL Bianchi opened the door. He was docile and pleasant, not shocked or otherwise put off at our presence outside his bedroom door, simply inquiring 'what's going on?'. CSM Fraser said we were concerned for him and that MPs were outside and needed to speak to him. A fresh abrasion was present above COL Bianchi's eyebrow and bridge of his nose. COL Bianchi met the MPs outside his home and willing entered the back of the patrol vehicle and was transported to the PMO office.

Q: SSG Spicer, William, SGT Morales, Richard

A: Deputy Garrison Commander Mitchell, Erik

Q: What made you think COL Bianchi consumed alcohol at Ike Hall?

A: Body posturing and heightened levels of excitement.

Q: Was there any mention of leaving and going anywhere else?

A: No, he just said he was going to hang with his "teammates"

Q: Was COL Bianchi still at Ike hall when you left?

A: Yes.

Q: Was there anyone else at the residence when you and CSM Fraser entered?

A: His USMA roommate, who's first name was Tim from my recollection.

Q: Was there anyone else with COL Bianchi at Ike Hall?

A: Whoever was left after the event from the Alumni group.

Q: Is there anything else you would like to add to this statement?

A: No. //END OF STATEMENT//

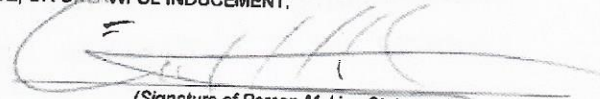
INITIALS OF PERSON MAKING STATEMENT

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STATEMENT OF ERIK DAVID MITCHELL TAKEN AT Bldg 621 DATED 20230726

AFFIDAVIT

I, ERIK DAVID MITCHELL, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.




(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 26th day of July, 2023

at Bldg 622 WEST POINT, NY 10996



(Signature of Person Administering Oath)

Richard A. Morales

(Typed Name of Person Administering Oath)

Article 136(b)(4) UCMJ/ S U.S.C 303 (b)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT